



January 28, 2005

SENATE BILL No. 372

DIGEST OF SB 372 (Updated January 26, 2005 5:10 pm - DI 71)

Citations Affected: IC 20-8.1.

Synopsis: Transfer tuition. Specifies that if a transferor school corporation fails to take action within thirty (30) days after receipt of a transfer tuition request, the request is considered approved. Provides that a student who is placed in a facility, a home, or an institution may attend school in the school corporation in which the facility, home, or institution is located, and that the state is required to pay transfer tuition for the student if no other person or entity is required to pay the student's transfer tuition.

Effective: July 1, 2005.

Kenley

January 11, 2005, read first time and referred to Committee on Education and Career Development.
January 27, 2005, amended, reported favorably — Do Pass.

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SB 372—LS 7880/DI 71+



January 28, 2005

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

SENATE BILL No. 372

A BILL FOR AN ACT to amend the Indiana Code concerning education.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 20-8.1-6.1-2 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) The parents of
3 any student, regardless of the student's age, or the student after the
4 student has reached eighteen (18) years of age, may request a transfer
5 from a school corporation in which the student has a legal settlement
6 to a transferee school corporation in Indiana or another state if the
7 student may be better accommodated in the public schools of the
8 transferee corporation. Whether the student can be better
9 accommodated depends on such matters as:
10 (1) crowded conditions of the transferee or transferor corporation;
11 and
12 (2) curriculum offerings at the high school level that are important
13 to the vocational or academic aspirations of the student.
14 (b) This request for transfer must be made in writing to the
15 transferor corporation, which shall immediately mail a copy to the
16 transferee corporation. This request must be made at the times provided
17 by rule of the state board of education. The transfer is effected if both

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the transferee and the transferor corporations approve the transfer within thirty (30) days after that mailing. **If the transferor school corporation fails to act on the transfer request within thirty (30) days after the request is received, the transfer is considered approved.** The transfer shall be denied when either school corporation either:

- (1) mails a written denial by certified mail to the requesting parents or student at their last known address. ~~or~~
- (2) fails to act on the request within that period.

(c) ~~In that event,~~ **If a transfer is denied under subsection (b),** an appeal may be taken to the state board of education by the requesting parents, or student, if perfected within ten (10) days after the denial. This appeal shall be perfected by mailing a notice of appeal by certified mail to the superintendent of each school corporation and the state board of education. The superintendent of public instruction shall develop forms for this purpose, and the transferor corporation shall assist the parents or student in the mechanics of perfecting the appeal. Appeals shall be heard in accord with section 10 of this chapter.

SECTION 2. IC 20-8.1-6.1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. (a) A student who is placed in a state licensed private or public health care facility, child care facility, or foster family home:

- (1) by or with the consent of the division of family and children;
- (2) by a court order; or
- (3) by a child-placing agency licensed by the division of family and children;

may attend school in the school corporation in which the home or facility is located. If the school corporation in which the home or facility is located is not the school corporation in which the student has legal settlement, the school corporation in which the student has legal settlement shall pay the transfer tuition of the student.

(b) A student who is placed in a state licensed private or public health care or child care facility by a parent or guardian may attend school in the school corporation in which the facility is located if:

- (1) the placement is necessary for the student's physical or emotional health and well-being and, if the placement is in a health care facility, is recommended by a physician; and
- (2) the placement is projected to be for no less than fourteen (14) consecutive calendar days or an aggregate of twenty (20) calendar days.

The school corporation in which the student has legal settlement shall pay the transfer tuition of the student. The parent or guardian of the

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student shall notify the school corporation in which the facility is located and the school corporation of the student's legal settlement, if identifiable, of the placement. No later than thirty (30) days after this notice, the school corporation of legal settlement shall either pay the transfer tuition of the transferred student or appeal the payment by notice to the department of education. The acceptance or notice of appeal by the school corporation shall be given by certified mail to the parent or guardian of the student and any affected school corporation. In the case of a student who is not identified as disabled under IC 20-1-6, the Indiana state board of education shall make a determination on transfer tuition in accordance with the procedures set out in section 10 of this chapter. In the case of a student who has been identified as disabled under IC 20-1-6, the determination on transfer tuition shall be made in accordance with this subsection and the procedures adopted by the Indiana state board of education under IC 20-1-6-2.1(a)(5).

(c) A student who is placed in:

(1) an institution operated by the division of disability, aging, and rehabilitative services or the division of mental health and addiction; or

(2) an institution, a public or private facility, a home, a group home, or an alternative family setting by the division of disability, aging, and rehabilitative services or the division of mental health and addiction;

may attend school in the school corporation in which the institution is located. The state shall pay the transfer tuition of the student, unless another entity is required to pay the transfer tuition as a result of a placement described in subsection (a) or (b) or another state is obligated to pay the transfer tuition.

(d) A student:

(1) who is placed in a facility, a home, or an institution described in subsection (a), (b), or (c); and

(2) for whom there is no other entity or person required to pay transfer tuition;

may attend school in the school corporation in which the facility, home, or institution is located. The department shall conduct an investigation and determine whether any other entity or person is required to pay transfer tuition. If the department determines that no other entity or person is required to pay transfer tuition, the state shall pay the transfer tuition for the student out of the funds appropriated for tuition support.

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COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred Senate Bill No. 372, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 3, line 40, delete "." and insert "**out of the funds appropriated for tuition support.**".

and when so amended that said bill do pass.

(Reference is to SB 372 as introduced.)

LUBBERS, Chairperson

Committee Vote: Yeas 11, Nays 0.

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